APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,546	03/04/2002	Katherine Godfrey	01-4004D	5440

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	9

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/090,546	GODFREY ET AL.
	Examiner	Art Unit
	Gerald Gauthier	2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 October 2003</u> .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   **Claims 1-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Benson et al. (US 2002/0067821) in view of Brehm et al. (US 2002/0118813).

        Regarding **claim 1**, Benson discloses a telephone call center performance

evaluation (¶ 0001), (which reads on claimed "a method of visually representing call

events and completion times on a call-type basis for calls to an automated response

system (¶ 0030) of a call processing center (10 on FIG. 1), a call to the call processing

center including an interactive voice response portion (¶ 0029) of the call, and, at a

caller's option, a hold portion of the call (¶ 0038) and an agent-caller dialog portion of the call"), the method comprising the steps of:

obtaining a recording of calls (¶ 0029, line 1 "the update call log") recorded from end to end (¶ 0029) [The update call log performs the function of updating with information from the telephony network];

annotating events (¶ 0042, line 9 "an alerting event") of interest that occurred during a recorded call (¶ 0042, line 6 "in the process the call log"), time stamping a time (¶ 0042, line 13 "the time when the monitor is alerted") when each event of interest occurred, and determining a call type of the call (¶ 0042) [In the process the call log daily report database is updated with the appropriate information such as the alerting time];

segregating time stamp data for predetermined significant events of the annotated events of interest, the time stamp data for the predetermined significant events providing timings for the predetermined significant events (¶ 0042) [The update call log performs the function of updating with the time that the agent connects and also the disconnect time. The times are separated in different logs as shown on FIGs. 5A-5D];

tabulating the timings by call type (¶ 0042) [The times are separated in different logs and call type as shown on FIGs. 5A-5D].

Benson discloses a display of bar graphs on FIG. 7 but fails to disclose the display of the timing bar graphs.

However, Brehm teaches preparing and visually displaying bar graphs (FIG. 6) to illustrate the timings of the predetermined significant events for each call type (¶ 0055) [The data on FIG. 6 show bar graphs of the historical database with different timings].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of Brehm in the invention of Benson.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Regarding **claims 2, 6, 10 and 14**, Benson discloses wherein the significant events include a caller entering the IVR portion, a caller being placed on hold, and a caller being transferred to a live agent (¶ 0038).

Regarding **claims 3, 7, 11 and 15**, Benson discloses wherein call types are categorized by call dispositions of the plurality of recorded calls (¶ 0042).

Regarding **claims 4, 8, 12 and 16**, Benson discloses wherein call types are categorized by final destinations of the plurality of recorded calls (¶ 0043).

Regarding **claim 5**, Benson discloses a telephone call center performance evaluation (¶ 0001), (which reads on claimed "an apparatus for visually representing call

events and completion times on a call-type basis for calls to an automated response

system (¶ 0030) of a call processing center (10 on FIG. 1), a call to the call processing

center including an interactive voice response portion (¶ 0029) of the call, and, at a

caller's option, a hold portion of the call (¶ 0038) and an agent-caller dialog portion of

the call"), the apparatus comprising:

means for obtaining a recording of calls recorded from end to end (¶ 0029) [The

update call log performs the function of updating with information from the telephony

network];

means for annotating events of interest that occurred during a recorded call, time

stamping a time when each event of interest occurred, and determining a call type of

the call (¶ 0042) [In the process the call log daily report database is updated with the

appropriate information such as the alerting time];

means for segregating time stamp data for predetermined significant events of

the annotated events of interest, the time stamp data for the predetermined significant

events providing timings for the predetermined significant events (¶ 0042) [The update

call log performs the function of updating with the time that the agent connects and also

the disconnect time. The times are separated in different logs as shown on FIGs. 5A-

5D];

means for tabulating the timings by call type (¶ 0042) [The times are separated in

different logs and call type as shown on FIGs. 5A-5D].

Benson discloses a display of bar graphs on FIG. 7 but fails to disclose the

display of the timing bar graphs.

However, Brehm teaches means for preparing and visually displaying bar graphs

(FIG. 6) to illustrate the timings of the predetermined significant events for each call type

(¶ 0055) [The data on FIG. 6 show bar graphs of the historical database with different

timings].

It would have been obvious to one of the ordinary skill in the art at the time the

invention was made to use the timing graphs prepared for the calls of Brehm in the

invention of Benson.

The modification of the invention would offer the capability of the timing graphs

prepared for the calls such as the information given by a caller would be transferred

among various applications.

Regarding **claim 9**, Benson discloses a telephone call center performance

evaluation (¶ 0001), (which reads on claimed "a system for visually representing call

events and completion times on a call-type basis for calls to an automated response

system (¶ 0030) of a call processing center (10 on FIG. 1), a call to the call processing

center including an interactive voice response portion of the call (¶ 0029), and, at a

caller's option, a hold portion of the call (¶ 0038) and an agent-caller dialog portion of

the call"), the system being operable to:

obtain a recording of calls recorded from end to end (¶ 0029) [The update call log

performs the function of updating with information from the telephony network];

annotate events of interest that occurred during a recorded call, time stamping a

time when each event of interest occurred, and determining a call type of the recorded

call (¶ 0042) [In the process the call log daily report database is updated with the appropriate information such as the alerting time];

segregate time stamp data for predetermined significant events of the annotated events of interest, the time stamp data for the predetermined significant events providing timings for the predetermined significant events (¶ 0042) [The update call log performs the function of updating with the time that the agent connects and also the disconnect time. The times are separated in different logs as shown on FIGs. 5A-5D];

tabulate the timings by call type (¶ 0042) [The times are separated in different logs and call type as shown on FIGs. 5A-5D].

Benson discloses a display of bar graphs on FIG. 7 but fails to disclose the display of the timing bar graphs.

However, Brehm teaches preparing and visually displaying bar graphs (FIG. 6) to illustrate the timings of the predetermined significant events for each call type (¶ 0055) [The data on FIG. 6 show bar graphs of the historical database with different timings].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of Brehm in the invention of Benson.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Regarding **claim 13**, Benson discloses a telephone call center performance

evaluation (¶ 0001), (which reads on claimed "a computer program product (12 on FIG.

1) embodying a program for implementing a method of visually representing call events

and completion times on a call-type basis for calls to an automated response system (¶

0030) of a call processing center (10 on FIG. 1), a call to the call processing center

including an interactive voice response portion of the call (¶ 0029), and, at a caller's

option, a hold portion of the call (¶ 0038) and an agent-caller dialog portion of the call"),

the computer program product comprising:

code for obtaining a recording of calls recorded from end to end (¶ 0029) [The

update call log performs the function of updating with information from the telephony

network];

code for annotating events of interest that occurred during a recorded call, time

stamping a time when each event of interest occurred, and determining a call type of

the call (¶ 0042) [In the process the call log daily report database is updated with the

appropriate information such as the alerting time];

code for segregating time stamp data for predetermined significant events of the

annotated events of interest, the time stamp data for the predetermined significant

events providing timings for the predetermined significant events (¶ 0042) [The update

call log performs the function of updating with the time that the agent connects and also

the disconnect time. The times are separated in different logs as shown on FIGs. 5A-

5D];

code for tabulating the timings by call type (¶ 0042) [The times are separated in different logs and call type as shown on FIGs. 5A-5D].

Benson discloses a display of bar graphs on FIG. 7 but fails to disclose the display of the timing bar graphs.

However, Brehm teaches code for preparing and visually displaying bar graphs (FIG. 6) to illustrate the timings of the predetermined significant events for each call type (¶ 0055) [The data on FIG. 6 show bar graphs of the historical database with different timings].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the timing graphs prepared for the calls of Brehm in the invention of Benson.

The modification of the invention would offer the capability of the timing graphs prepared for the calls such as the information given by a caller would be transferred among various applications.

Response to Arguments

4.   Applicant's arguments with respect to **claims 1-16** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

g.g.
February 8, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
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